

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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IN RE: Letter of Request from the Court)
of Antwerp for Assistance in the) No.
Criminal Matter of Charles)
Van Renynghe de Voxvrie)

MISC 07 0008

ORDER

Upon application of the United States, and the Court
having read and considered the letter of request of October 8,
2003 from the Court of Antwerp, seeking evidence for use in a
judicial proceeding in Belgium, and it appearing that the
requirements of 28 U.S.C. § 1782 have been satisfied,

IT IS HEREBY ORDERED, pursuant to the authority
conferred by 28 U.S.C. § 1782 and this Court's inherent
authority, that Licha Nyiendo (or a substitute or successor
subsequently designated by the Office of the United States
Attorney) is appointed as Commissioner (but hereinafter referred
to as the "Commissioner") of this Court and hereby directed to
take such steps as are necessary to collect the evidence
requested. In doing so, the Commissioner is not required to
follow the Federal Rules of Civil Procedure and the following
rules shall govern:

1. the Commissioner may issue commissioner's
subpoenas to be served on persons (natural and artificial) within

the jurisdiction of this Court ordering them or their representatives to appear and to testify and produce evidence located within the United States;

2. the Commissioner shall provide notice with respect to the collection of evidence to those persons identified in the request as parties to whom notice should be given (and no notice to any other person shall be required);

3. the Commissioner shall adopt procedures to collect the evidence requested consistent with its use as evidence in a proceeding before a tribunal in Belgium, which procedures may be specified in the request or provided by the requesting court or authority or by a representative of Belgium;

4. the Commissioner, in collecting the evidence requested, may be accompanied by persons whose presence or participation is authorized by the Commissioner, including, without limitation, special agents of the Federal Bureau of Investigation and/or representatives of Belgium who, as authorized or directed by the Commissioner, may direct questions to any witness;

5. any person from whom the Commissioner seeks to collect evidence may oppose the giving of evidence, or the circumstances thereof, by motion timely filed with this Court, a copy of which shall be provided contemporaneously to the Commissioner;

6. the Commissioner may seek such further orders of this Court as may be necessary to execute this request, including:

- a. orders to show cause why persons served with commissioner's subpoenas who fail to produce evidence should not be held in contempt, and
- b. protective orders to regulate the use of the evidence collected;

7. the Commissioner shall certify and submit the evidence collected to the Office of International Affairs, Criminal Division, United States Department of Justice, or as otherwise directed by that office for transmission to the requesting court or authority; and

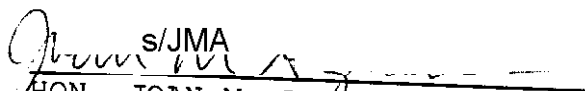
8. the Commissioner may provide copies of the evidence collected to persons identified in the request as parties to whom such copies should be given (and to no other persons).

IT IS FURTHER ORDERED that the Application and this Order shall be maintained under seal unless and until this Court orders otherwise. Notwithstanding this Order's filing and maintenance under seal, the Commissioner may disclose copies of this Order as necessary to accomplish the purposes of the request.

IT IS FURTHER ORDERED that Investec Ernst En Company, located at 199 Crossways Park Drive, Woodbury, New York, shall not disclose to its customers Steven Cuvelier, Van Renynghe, Marc

Denaghel, Marc Driesen, Business International Consult NV
(B.I.C.), and Witt-Wall Street International Trading Trust, or to
any person jointly holding an account with those customers, any
aspect of this matter, including the fact that it has received a
subpoena or has given testimony or evidence in response thereto.

Dated: Brooklyn, New York
March 12, 2007

 s/JMA
HON. JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK